GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services - Agriculture & Cooperation Department – ACB (Trap) Case - Sri P.Krishna Rao, the then Assistant Director of Agriculture (R), Tanuku, West Godavari District & Sri J. Murali Krishna, the then Agricultural Officer, O/o Assistant Director of Agriculture (R), Tanuku, West Godavari District - Demanding and accepting of bribe amounts of Rs.1,000/- & Rs.5,000/- respectively - Trapped on 27-3-2002 – Prosecution sanctioned - Acquitted by ACB trial Court – Appeal dismissed in Hon'ble A.P. High Court – Dropping of further action – Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Ms.No.95 **Dated: 30/10/2024**

Read the following:

1. Radio Message dt.27.03.2002 of the DSP, A.C.B., Eluru Range, Eluru.
2. Proceedings No. Vig.I(4)221/2002- 1, dt.01.04.2002 of the Commissioner & Director of Agriculture, A.P., Hyderabad.
3. Proceedings No. Vig.I(4)221/2002- 2, dt.01.04.2002 of the Commissioner & Director of Agriculture, A.P., Hyderabad.
4. From the Director General, ACB, A.P., Hyderabad, Letter No.51/RCT-EWG/2002, dt.08.04.2002.
5. From the Director General, ACB, A.P., Hyderabad, Letter No.51/RCT-EWG/2002-S13, dt.17.09.2002.
6. G.O.Ms.No.414, A&C (Vig.I) Dept., dt.21.10.2002.
7. G.O.Ms.No. 415, A&C (Vig.I) Dept., dt.21.10.2002.
8. G.O.Rt.No.76, A&C (Vig.I) Dept., dt.29.01.2003.
9. Hon'ble A.P.A.T., Hyderabad Order dt.27.02.2003 in O.A.No.6059/2002 and O.A.No.6479/2002.
10. From the Director General, ACB, A.P., Hyderabad, Letter No.51/RCT-EWG/2002-S13, dt.05.09.2003.
11. G.O.Rt.No.923, A & C (Vig.I) Dept., dt.03.09.2004.
12. From the Director General, ACB, A.P., Hyderabad, Letter No.51/RCT-EWG/2002-S13, dt.21.02.2007.
13. Govt.Memo.No.5023/Vig.I/A1/2002, A&C (Vig.I) Dept., dt.18.08.2007.
14. From the Commissioner & Director of agriculture, A.P., Hyderabad, Lr.No.Vig.I(2)221/2000, dt.15.04.2008.
15. Govt. Memo. No.4964/Vig.I/A1/2008, A&C Dept., dt.10.11.2008.
16. Hon'ble A.P.A.T., Hyderabad Order dt.30.09.2010 in O.A.No.2413 of 2008, filed by Smt.P.Durga, W/o Late P.Krishna Rao.
17. From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Lr.C.No.51/RCT-EWG/2002-S.13, dt.19.04.2023.
18. From the Special Commissioner of Agriculture, A.P., Guntur, Lr.No.Vig.I(I) AGC02-32026(31)/1/2023, dt.15.09.2023 & 23.01.2024.

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O R D E R:

In the reference 1st read above, the Deputy Superintendent of Police, A.C.B., Eluru Range, Eluru, has stated that, Sri P. Krishna Rao, Asst. Director of Agriculture and Insecticides Inspector, Tanuku and Sri J.Murali Krishna, Agriculture Officer, Tanuku & In charge of Peravali Mandal, Tanuku, West Godavari District were successfully trapped on 27-3-2002 at 11.50 A.M., when they further demanded and accepted bribe amounts of Rs.1000/- and Rs.5000/- respectively from the complainant Sri K.Venkata Subba Rao, Resident of Tanuku, for showing official favour in issuing License and Principal Certificate to the complainant to run the seeds business. Both the Accused Officers were arrested and released on bail.

2. Accordingly, in the references 2nd & 3rd read above, the Commissioner & Director of Agriculture, A.P., Hyderabad, has placed the said (2) Accused Officers, Sri P. Krishna Rao, Asst. Director of Agriculture and Insecticides Inspector, Tanuku and Sri J.Murali Krishna, Agriculture Officer, Tanuku & Incharge of Peravali Mandal, Tanuku, West Godavari District, under suspension, with effect from the date of communication of the order. .

(P.T.O.)

3. In the reference 4th read above, the Director General, ACB, A.P., Hyderabad, has furnished Preliminary report stating that the Accused Officers, Sri P.Krishna Rao, Asst. Director of Agriculture and Insecticides Inspector, Tanuku and Sri J.Murali Krishna, Agriculture Officer, Tanuku & Incharge of Peravali Mandal, Tanuku, West Godavari District are involved in a case of moral turpitude and requested to place them under suspension till the final disposal of the case.

4. In the reference 5th read above, the Director General, ACB, A.P., Hyderabad has submitted the Final Report, stating that there is sufficient material of oral and documentary evidence to prove the demand and acceptance of bribe amount by the Accused Officers, Sri P.Krishna Rao, Asst. Director of Agriculture and Insecticides Inspector (u/s), Tanuku and Sri J.Murali Krishna, Agriculture Officer (u/s), Tanuku & Incharge of Peravali Mandal, Tanuku, West Godavari District and hence recommended for prosecution in a Court of Law, under Sections 7 & 13(2) read with 13(1)(d) of PC Act, 1988.

5. Accordingly, in the reference 6th & 7th read above, the Government have accorded sanction for prosecution of Sri P.Krishna Rao, Assistant Director of Agriculture and Insecticides Inspector (u/s), Tanuku and Sri J.Murali Krishna, Agriculture Officer (u/s), Tanuku & In charge of Peravali Mandal, Tanuku, West Godavari District respectively, in a Court of Law, for the said offences punishable under section 7 and sub-section (2) of Section 13 read with clause (d) of sub-section (1) of Section 13 of Prevention of Corruption Act 1988 (Central Act 49 of 1988).

6. In the reference 8th read above, the Government have sanctioned Provisional Pension in respect of Sri Pothineni Krishna Rao, Assistant Director of Agriculture, Tanuku, West Godavari District, who has retired from public service on 30.09.2002, on attaining age of superannuation

7. In the reference 9th read above, the Hon'ble A.P. Administrative Tribunal, Hyderabad has issued the following order dt.27.02.2003 in O.A.No.6059/2002 and O.A.No.6479/2002, filed by Sri P. Krishna Rao, Asst. Director of Agriculture and Insecticides Inspector, Tanuku and Sri J.Murali Krishna, Agriculture Officer, Tanuku & In charge of Peravali Mandal, Tanuku, West Godavari District respectively:

O.A.No.6059/2002 (in respect of Sri P.Krishna Rao):

" .....the respondents are directed to regulate the period of suspension of the applicant depending upon the outcome of the criminal case, if any, filed against him or depending upon outcome of the departmental proceedings that may be launched against him, in terms of FR.54(B) duly putting the applicant on notice.

In case, they do not propose to take any further action against the applicant either by criminal prosecution or through departmental proceedings, the respondents are directed to issue notice to the applicant regarding treatment of the period of suspension of the applicant and issue necessary orders, as early as possible, soon after taking a decision.

O.A.No.6479/2002 (in respect of Sri J.Murali Krishna):

" .....As the applicant has not yet reached the age of superannuation, the respondents are directed to decide about the treatment to be given to the period of suspension of the applicant soon after the departmental proceedings or criminal proceedings, as the case may be, are finalized, duly putting the applicant on notice in terms of FR.54(B)."

8. In the reference 10th read above, the Director General, A.C.B., A.P., Hyderabad, has informed that, Charge sheet has been filed against Sri P.Krishna Rao, Asst. Director of Agriculture (Retd.), Tanuku, West Godavari District and Sri J.Murali Krishna, Agriculture Officer (u/s), O/o Asst. Director of Agriculture, Tanuku, West Godavari District, in the Court of the Spl. Judge for SPE & ACB Case, Vijayawada on 06.01.2003 and the court assigned C.C.No.1/2003.

(Contd.p.3)

9. In the reference 11th read above, the Government have revoked the suspension of Sri J.Murali Krishna, Agriculture Officer, O/o Asst. Director of Agriculture, Tanuku, West Godavari District and reinstated him into service, without prejudice to the case pending against him and directed the Commissioner & Director of Agriculture, A.P., Hyderabad to post him in a far off place in non-focal post.

10. In the reference 12th read above, the Director General, ACB, A.P., Hyderabad, has informed that, Additional Spl. Judge for SPE & ACB Cases, Hyderabad pronounced the following Judgment on 13.02.2007 in C.C.No.1/2003:

> ".....In the result, the Accused Officers, (1) & (2) are found not guilty of the offences under Sections 7 and 13(1)(d) read with 13(2) of P.C. Act, 1988, read with 34 IPC and they are acquitted under Section 248(1) Cr.P.C. for the above charges."

11. In the reference 13th read above, the Government have permitted the Standing Counsel of the ACB, as per their request, to file Appeal in the Hon'ble High Court of A.P., Hyderabad, against the above judgment of the trial Court on 13.02.2007 in C.C.No.1/2003 and accordingly, the Director General, ACB, A.P., Hyderabad has filed Criminal Appeal No.1016/2007 dt.07.08.2007, in the A.P.High Court, Hyderabad on the Acquittal Judgment of Spl. Judge for SPE & ACB Cases, Vijayawada.

12. In the reference 14th read above, the Commissioner & Director of Agriculture, A.P., Hyderabad, has informed that Smt.P.Durga, W/o P.Krishna Rao, Asst. Director of Agriculture (Retd.) has stated that her husband expired on 14-12-2007 and requested that his case may be taken into the consideration on humanitarian grounds for sanction of (i) the family pension and other benefits (ii) regularize the suspension period from 10-04-2002 to 30-09-2002 as on duty and (iii) to drop all further action, if any, against her late husband, at an early date to mitigate the financial problems being faced by her.

13. Accordingly, in the reference 15th read above, the Government have requested the Commissioner & Director of Agriculture, A.P., Hyderabad, to abate further disciplinary action against Late P.Krishna Rao, Asst. Director of Agriculture (Retd.), Tanuku, West Godavari District, in terms of G.O.Rt.No.1097, F & P (FW Pen.I) Dept., dt.22.06.2000 and requested to regularize the suspension period from 10.04.2002 to 30.09.2002 as 'on duty', under F.R 54 B and release the family pension and other terminal benefits subject to recoveries, if any, as per the rules in force.

14. In the reference 16th read above, the Hon'ble A.P.Administrative Tribunal, Hyderabad has issued the following Order dt.30.09.2010 in O.A.No.2413 of 2008, filed by Smt.P.Durga, W/o Late P.Krishna Rao, Asst. Director of Agriculture (Retd.):

> "The learned Counsel for the Applicant represents that the matter has become infructuous. Hence the O.A. is dismissed as infructuous."

15. In the reference 17th read above, the Director General, Anti Corruption Bureau, A.P., Vijayawada, has informed that, in the above said trap case, the Hon'ble High Court has issued the following Judgement dt.23.02.2023 in Criminal Appeal No. 1016/2007 :

> ".....In the light of the above, I am of the considered view that the learned Special Judge for SPE & ACB Cases, Vijayawada, rightly appreciated the evidence on record, as such, there are no grounds to interfere with the judgment of acquittal.
>
> In the result, the Criminal Appeal is dismissed.
>
> Consequently, miscellaneous applications pending, if any, shall stand closed."

He has further informed that, the Bureau is of the opinion that this is not a fit case to prefer an appeal on the dismissal of said appeal filed by the bureau.

(P.T.O.)

16. In the reference 18th read above, the Special Commissioner of Agriculture, A.P., Guntur, has forwarded the copies of Letter dt.19.04.2023 of Director General, ACB, A.P., Vijayawada and representation dt.31.03.2023 of Sri J.Murali Krishna, the then Mandal Agricultural Officer, Tanuku Mandal, West Godavari District and presently working as District Agricultural Officer, Chittoor District and requested to regularize his suspension period from 11.04.2002 to 19.10.2004 (BDI) as 'duty' as per rules, since he was acquitted from the ACB case. Further, the ACB has opined that, this is not a fit case to prefer appeal on OA No.1016/2007.

17. The Government, after careful examination of the matter and in consultation with the advisory departments, hereby, drop further action against Sri J.Murali Krishna, the then Mandal Agricultural Officer, Tanuku Mandal, West Godavari District and presently working as District Agricultural Officer, Chittor District, in the said ACB (Trap) Case and regularize his suspension period from 11.04.2002 to 19.10.2004 as 'on duty', under sub rule (3) and (4) of FR 54 (B).

18. This order issues with the concurrence of Finance (HR.IV-FR&LR) Department vide their U.O.No: FIN01-HR0RSPE/3/2024-HR-IV (Computer No: 2354637).

19. The Special Commissioner of Agriculture, A.P., Guntur shall take further necessary in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
Sri J.Murali Krishna, the then Mandal Agricultural Officer,
Tanuku Mandal, West Godavari District and presently
working as District Agricultural Officer, Chittor District.
(through the Director of Agriculture, A.P., Guntur)
The Director of Agriculture, A.P., Guntur.

Copy to:
The Director General, ACB, Pandit Nehru Bus Station, NTR Administrative
Block, 2nd Floor, Vijayawada A.P.
The Prl. Accountant General, A.P., Vijayawada.
The Director of Treasuries & Accounts, A.P., Mangalagiri.
The District Treasury Officer, Chittoor.
The P.S. to A.P. Vigilance Commissioner, APVC,
Block-5, First Floor, A.P., Secretariat.
The P.S. to Minister for Agriculture.
The Finance (HR.IV-FR&LR) Department.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER